

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT CURRY,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,
TEAMSTERS LOCAL 623,

Defendants.

Civil Action No. 2:17-cv-02331-GJP

**DECLARATION OF GARY M. TOCCI IN SUPPORT OF DEFENDANT UNITED
PARCEL SERVICE, INC.'S PETITION FOR ATTORNEYS' FEES AND COSTS**

Pursuant to 28 U.S.C. § 1746, I, Gary M. Tocci, Esq., of full age, hereby certify and declare as follows:

1. I make this Declaration on Defendant United Parcel Service, Inc.'s ("UPS") behalf and in support of its Petition for Attorneys' Fees and Costs ("Petition") against Attorney Weisberg. I make this Declaration without waiver of the attorney-client privilege, work product privilege, or any other applicable privilege.

2. I am licensed to practice before the Supreme Court of Pennsylvania and am admitted to the Eastern District of Pennsylvania. I am in good standing in both courts.

3. I am a partner of the law firm Reed Smith LLP, a member of our firm's Labor & Employment Group, and counsel for UPS. I graduated from Temple University School of Law in 1987.

4. As the partner responsible for handling this matter, I have been the primary attorney working on the case and have first-hand knowledge of the facts set forth in this Declaration.

5. Since the inception of this case, Reed Smith has performed valuable services on behalf of UPS.

6. Reed Smith is not seeking all fees incurred in connection with preparing this Petition. We also have not requested reimbursement for certain time spent on this matter by me and others, as we deemed appropriate under the circumstances.

7. For this case, Reed Smith and UPS agreed to a blended hourly rate of \$320.00 for all timekeepers.

8. As detailed in UPS's Itemization of Attorneys' Fees ("Itemization"), UPS is seeking \$19,651.60 in attorneys' fees and costs because of Plaintiff's filing the Amended Complaint.

9. UPS's Itemization includes a breakdown of: (a) the nature of the services rendered, (b) the date of the services rendered, (c) the identity of the individual rendering the service (partner, associate, or other timekeeper), (d) the time spent per task for each of the services, (e) the billing rate applied to the timekeeper at the time the task was performed, and (f) the invoice upon which the services were charged to UPS.

10. The Itemization is substantially similar to the invoices supplied to UPS following Plaintiff's filing of the Amended Complaint and was prepared for the Court's ease of reference.

11. To the extent the Itemization differs from the narrative descriptions of the services as contained in our firm's invoices, those differences are due to removing content protected by the attorney-client and attorney work product privileges or descriptions of services relating to fees that are not sought for the purposes of this Petition.

12. Reed Smith has retained copies of all of its referenced invoices reflected in the Itemization, and will, upon request, submit the same, unredacted, for *in camera* review by the Court.

13. In addition to myself, the following timekeepers performed services for which we seek reimbursement:

(a) Molly Q. Campbell, Esq. (“Ms. Campbell”) is a Senior Associate in Reed Smith’s Complex Litigation Group, who devotes a portion of her practice to defending employers in traditional labor matters. Ms. Campbell graduated from the University of Pittsburgh School of Law in 2011.

(b) Kristen M. Ashe, Esq. (“Ms. Ashe”) is a Junior Associate in Reed Smith’s Complex Litigation Group and provided support for certain research tasks and motion preparation tasks. Ms. Ashe graduated from the Villanova University School of Law in 2016.

14. Based on my experience as a labor attorney within the Philadelphia area, I can certify that Reed Smith’s rates for this matter are more than reasonable relative to the typical billing rates within the Philadelphia community based on our experience and area of expertise.

15. As a result, I understand that Reed Smith’s requested blended hourly rate of \$320.00 is very reasonable within the Philadelphia community.

16. All of UPS’s invoices from Reed Smith are regularly paid. The first invoice that included work for responding to Plaintiff’s Amended Complaint (No. 2948133) was paid on August 28, 2017. An additional invoice was sent on September 8, 2017 (No. 2957046), for which we expect timely payment in the normal course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 14, 2017.

/s/ Gary M. Tocci
Gary M. Tocci

EXHIBIT B

Itemization of Attorneys' Fees

TK Name	TK Title	Invoice #	Work Date	Hours Billed	Rate	Fees Billed	Time Narrative
Tocci, Gary M.	Partner	2948133	7/3/2017	0.50	\$320.00	\$160.00	Review and analyze Plaintiff's Amended Complaint and issue research instructions.
Tocci, Gary M.	Partner	2948133	7/5/2017	0.70	\$320.00	\$224.00	Review and analyze newly filed 73-paragraph Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/5/2017	0.60	\$320.00	\$192.00	Strategize UPS's response to Plaintiff's Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/5/2017	1.20	\$320.00	\$384.00	Review and analyze Plaintiff's Amended Complaint and any issues concerning case strategy and motion to dismiss arguments.
Ashe, Kristen M.	Jr. Associate	2948133	7/5/2017	0.70	\$320.00	\$224.00	Research and analyze Third Circuit case law on viability of moving for sanctions against Plaintiff's counsel and summarize same.
Tocci, Gary M.	Partner	2948133	7/5/2017	0.60	\$320.00	\$192.00	Teleconference with M. Campbell and K. Ashe to discuss strategy for addressing Plaintiff's Amended Complaint and issue research instructions to K. Ashe.
Tocci, Gary M.	Partner	2948133	7/5/2017	1.20	\$320.00	\$384.00	Strategize UPS's response to Amended Complaint in light of Plaintiff's outstanding Motion to Remand.
Campbell, Molly Q.	Sr. Associate	2948133	7/6/2017	0.50	\$320.00	\$160.00	Communications with counsel for co-defendant.
Campbell, Molly Q.	Sr. Associate	2948133	7/6/2017	1.20	\$320.00	\$384.00	Review and analyze Local 623's opposition to Plaintiff's Motion to Remand for possible additions to UPS's Motion to Dismiss the Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/6/2017	0.40	\$320.00	\$128.00	Review and analyze Plaintiff's Second Amended Complaint.
Ashe, Kristen M.	Jr. Associate	2948133	7/6/2017	2.20	\$320.00	\$704.00	Research and analyze Third Circuit case law on viability of sanctions against Plaintiff's counsel and summarize same.
Tocci, Gary M.	Partner	2948133	7/6/2017	0.40	\$320.00	\$128.00	Analyze factual allegations in Amended Complaint, specifically regarding Atlantic area panel hearing.
Tocci, Gary M.	Partner	2948133	7/6/2017	0.80	\$320.00	\$256.00	Analyze factual and legal allegations in Amended Complaint and compare to original Complaint.
Ashe, Kristen M.	Jr. Associate	2948133	7/7/2017	1.60	\$320.00	\$512.00	Research and analyze Third Circuit case law interpreting the award of sanctions pursuant to 28 U.S.C. 127 and Local Rule 83.6.1
Ashe, Kristen M.	Jr. Associate	2948133	7/8/2017	0.30	\$320.00	\$96.00	Research and analyze Third Circuit case law interpreting the award of sanctions pursuant to 28 U.S.C. 127 and Local Rule 83.6.1
Ashe, Kristen M.	Jr. Associate	2948133	7/9/2017	0.90	\$320.00	\$288.00	Prepare and draft UPS's Motion to Dismiss Amended Complaint.
Ashe, Kristen M.	Jr. Associate	2948133	7/10/2017	1.30	\$320.00	\$416.00	Prepare and draft UPS's Motion to Dismiss Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/10/2017	0.70	\$320.00	\$224.00	Communications with counsel for co-defendant.
Ashe, Kristen M.	Jr. Associate	2948133	7/12/2017	4.50	\$320.00	\$1,440.00	Edit and revise UPS's Motion to Dismiss Amended Complaint.
Ashe, Kristen M.	Jr. Associate	2948133	7/13/2017	0.60	\$320.00	\$192.00	Edit and revise UPS's Motion to Dismiss Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/13/2017	1.20	\$320.00	\$384.00	Edit and revise UPS's Motion to Dismiss Amended Complaint.
Ashe, Kristen M.	Jr. Associate	2948133	7/17/2017	0.80	\$320.00	\$256.00	Edit and revise UPS's Motion to Dismiss Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/18/2017	0.10	\$320.00	\$32.00	Communications with client.
Campbell, Molly Q.	Sr. Associate	2948133	7/18/2017	1.30	\$320.00	\$416.00	Review Local 623's Motion to Dismiss the Amended Complaint.
Campbell, Molly Q.	Sr. Associate	2948133	7/19/2017	0.80	\$320.00	\$256.00	Review Local 623's Motion for Sanctions Against Plaintiff's Counsel.
Tocci, Gary M.	Partner	2948133	7/20/2017	0.70	\$320.00	\$224.00	Address issues regarding Local 623's Motion to Dismiss filings.
Tocci, Gary M.	Partner	2948133	7/26/2017	0.20	\$320.00	\$64.00	Strategize UPS's Reply Brief in support of Motion to Dismiss Amended Complaint and issue instructions.
Campbell, Molly Q.	Sr. Associate	2948133	7/26/2017	0.40	\$320.00	\$128.00	Communications with counsel for co-defendant.

TK Name	TK Title	Invoice #	Work Date	Hours Billed	Rate	Fees Billed	Time Narrative
Campbell, Molly Q.	Sr. Associate	2948133	7/27/2017	0.90	\$320.00	\$288.00	Review and analyze plaintiff's opposition to motion to dismiss and motion for sanctions.
Tocci, Gary M.	Partner	2948133	7/27/2017	0.50	\$320.00	\$160.00	Address issues for reply to Plaintiff's opposition to motion to dismiss.
Tocci, Gary M.	Partner	2948133	7/31/2017	0.30	\$320.00	\$96.00	Strategize UPS's Reply Brief in support of Motion to Dismiss Amended Complaint and outline issues for discussion with M. Campbell and K. Ashe.
Ashe, Kristen M.	Jr. Associate	2948133	7/31/2017	1.50	\$320.00	\$480.00	Prepare and draft UPS's reply to plaintiff's opposition to motion to dismiss.
Ashe, Kristen M.	Jr. Associate	2957046	8/01/2017	1.60	\$320.00	\$512.00	Edit and revise UPS's Reply Brief.
Ashe, Kristen M.	Jr. Associate	2957046	8/2/2017	4.90	\$320.00	\$1,568.00	Edit and revise UPS's Reply Brief.
Campbell, Molly Q.	Sr. Associate	2957046	8/2/2017	2.50	\$320.00	\$800.00	Draft and revise UPS's Reply Brief in support of the motion to dismiss.
Campbell, Molly Q.	Sr. Associate	2957046	8/3/2017	0.90	\$320.00	\$288.00	Review and analyze Local 623's reply to plaintiff's opposition to motion to dismiss.
Ashe, Kristen M.	Jr. Associate	2957046	8/3/2017	2.10	\$320.00	\$672.00	Key cite and proofread UPS's Reply Brief to Plaintiff's Opposition to Motion to Dismiss Amended Complaint.
Ashe, Kristen M.	Jr. Associate	2957046	8/2/2017	1.60	\$320.00	\$512.00	Edit and revise UPS's Reply Brief.
Tocci, Gary M.	Partner	2957046	8/4/2017	0.50	\$320.00	\$160.00	Review Local 623's filings regarding Union's reply on motion to dismiss and then on sanctions and address strategy regarding Plaintiff's counsel's new letter to Court.
Campbell, Molly Q.	Sr. Associate	2957046	8/7/2017	0.30	\$320.00	\$96.00	Review and analyze Judge Pappert's order regarding sanctions motion and oral argument on the pending motions and strategize re: same.
Campbell, Molly Q.	Sr. Associate	2957046	8/7/2017	0.20	\$320.00	\$64.00	Communications with client.
Campbell, Molly Q.	Sr. Associate	2957046	8/7/2017	1.80	\$320.00	\$576.00	Prepare materials in preparation for oral argument.
Tocci, Gary M.	Partner	2957046	8/9/2017	1.00	\$320.00	\$320.00	Review preparation notes for oral argument on Plaintiff's Motion to Remand; motions to dismiss; and motion for sanctions against Plaintiff's counsel.
Campbell, Molly Q.	Sr. Associate	2957046	8/9/2017	1.50	\$320.00	\$480.00	Draft and revise outline in preparation for oral argument.
Tocci, Gary M.	Partner	2957046	8/10/2017	0.30	\$320.00	\$96.00	Communications with client.
Tocci, Gary M.	Partner	2957046	8/10/2017	0.80	\$320.00	\$256.00	Outline pleadings from Curry I and Curry II to prepare for oral argument on motion to dismiss and other issues on August 16.
Tocci, Gary M.	Partner	2957046	8/13/2017	2.50	\$320.00	\$800.00	Review two binders of materials to prepare for oral argument on August 16, including all pleadings, outlines, case authority on motion to remand, motion to dismiss, and motion for sanctions.
Tocci, Gary M.	Partner	2957046	8/14/2017	0.50	\$320.00	\$160.00	Review case authority regarding preemption in preparation for oral argument on motion to dismiss.
Tocci, Gary M.	Partner	2957046	8/14/2017	0.80	\$320.00	\$256.00	Prepare outline for oral argument, specifically on 28 U.S.C. 1927 sanctions issues.
Campbell, Molly Q.	Sr. Associate	2957046	8/14/2017	0.30	\$320.00	\$96.00	Strategize oral argument position and review Plaintiff's case law and arguments.
Tocci, Gary M.	Partner	2957046	8/14/2017	0.80	\$320.00	\$256.00	Prepare outline for oral argument, specifically on motion to remand issues.
Tocci, Gary M.	Partner	2957046	8/15/2017	1.00	\$320.00	\$320.00	Prepare for oral argument relative to Plaintiff's Motion to Remand, including review of case law, updating case law cited by plaintiff, and outline points to raise at argument.
Tocci, Gary M.	Partner	2957046	8/15/2017	1.20	\$320.00	\$384.00	Prepare for oral argument, specifically on motion to dismiss, including review of case authority, updating case authority, and all issues including statute of limitations defense.
Campbell, Molly Q.	Sr. Associate	2957046	8/15/2017	0.60	\$320.00	\$192.00	Communications with counsel for co-defendant.
Tocci, Gary M.	Partner	2957046	8/16/2017	0.80	\$320.00	\$256.00	Prepare for oral argument on motion for sanctions under 28 U.S.C. 1927.
Tocci, Gary M.	Partner	2957046	8/16/2017	0.80	\$320.00	\$256.00	Prepare for oral argument on motion to dismiss.

TK Name	TK Title	Invoice #	Work Date	Hours Billed	Rate	Fees Billed	Time Narrative
Campbell, Molly Q.	Sr. Associate	2957046	8/16/2017	0.20	\$320.00	\$64.00	Prepare for oral argument by strategizing responses to possible questions.
Tocci, Gary M.	Partner	2957046	8/16/2017	0.80	\$320.00	\$256.00	Prepare for oral argument on motion to remand.
Tocci, Gary M.	Partner	2957046	8/16/2017	1.50	\$320.00	\$480.00	Attend oral argument.

\$19,648.00

Date	Description	Amount
	Duplication/Printing/Scanning: 27 pages at \$0.10 per page	\$2.70
	Duplication/Printing/Scanning: 9 pages at \$0.10 per page	\$0.90
		\$3.60